Rejection of Claims 1-9, 11, 12, 15 and 16 Under 35 U.S.C. 103

Claims 1-9, 11, 12, 15 and 16 stand rejected under 35 U.S.C. 103 as being obvious over U.S. Patent 6,391,007 to Chang et al (hereinafter referred to as "Chang et al") and design choice. In support of this rejection, the Examiner cites *In re Gazda*, 104 USPQ 400 (CCPA 1955).

The Examiner referred to differences in the locking configurations of the claimed invention relative to Chang et al and asserts that these differences would have been obvious as a matter of design choice. It is respectfully submitted, however, that a patentable difference between Chang et al and the claimed invention is the hollow, open-ended blunting probe mounted in a shuttle that is configured to permit fluid flow from the open end of the blunting probe. In contrast, Chang et al shows various embodiments of a bluntable needle assembly that all comprise a solid, non-tubular blunting member which necessarily could not have open ends for fluid flow therethrough. While Chang et al recognize the existence in the prior art of hollow blunting members, the prior art is described as requiring that the hollow blunting member include an exit hole (i.e., a perforation) to allow blood to exit the blunting member and enter a flash chamber (see column 1, lines 25-35). Conversely, the entire disclosure of Chang et al is dedicated to solid blunting members that permit fluid flow through a needle cannula but that, nevertheless, has an outer dimension which is nearly equal to the interior dimension of the cannula (see column 2, lines 20-28 and column 3, lines 19-20).

Claim 1 has been amended to more clearly define a distinguishing feature relative to Chang et al and the prior art referred to therein that would not be arrived at simply as a matter of design choice. Specifically, claim 1 defines a bluntable needle assembly having a blunting probe within a needle cannula, the blunting probe having a blunt tip and an open rearward end and being mounted on a shuttle member configured to permit fluid flow from the open end of the blunting probe into a chamber defined by the housing that carries the needle cannula. In order for the configuration of the shuttle member to permit such fluid flow from the blunting probe as described in the application, the blunting probe must be tubular (i.e., hollow) and not perforated along its length.

It is respectfully submitted that the difference between a hollow, non-perforated blunting member and those disclosed by Chang et al cannot properly be viewed as a mere matter of design choice when Chang et al expressly discloses only perforated hollow blunting members and teaches away from their use by using instead a solid blunting member. Specifically, Chang et al nowhere teaches or suggests the use of a non-perforated, tubular blunting probe or the spe-

cial configuration of the shuttle member on which a tubular, non-perforated blunting member can be mounted in order to permit fluid flow from its open end into the fluid chamber of the needle device. Therefore, claim 1 and claim 11, and the claims dependent therefrom, are believed to be patentably distinguishable from Chang et al. Accordingly, the stated ground of rejection is respectfully traversed.

Rejection of Claims 10 and 17 Under 35 U.S.C. 103

Claims 10 and 17 stand rejected under 35 U.S.C. 103 as being obvious over Chang et al in view of U.S. Patent 6,056,726 to Isaacson. Claims 10 and 17 specify that the claimed assembly includes a flash chamber; Isaacson is cited for its disclosure of a needle device having a flash chamber and the Examiner asserts it would be obvious to employ such a chamber in the device shown by Chang et al.

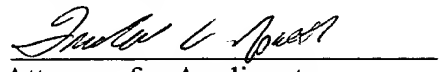
Claims 10 and 17 are believed to be allowable at least because they depend from base claims that are allowable for reasons set forth above.

Voluntary Amendments of Claims 5, 6 and 7

Claims 5, 6 and 7 have been amended to correct their dependencies, in view of the cancellations of claims 2 and 4.

Each of the stated grounds of rejection have been addressed or traversed. Reexamination and reconsideration of the application is respectfully requested.

Respectfully submitted,



Attorney for Applicants
Frederick A. Spaeth
Registration No. 33,793

Libert & Associates
3 Mill Pond Lane
P.O. Box 538
Simsbury, CT 06070-0538

Telephone: (860) 651-9321
Facsimile: (860) 651-5735

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COPY OF CLAIMS SHOWING AMENDMENTS

(Added material is underlined, deleted material is bracketed.)

1. (once amended) A bluntable needle assembly comprising:

a needle component comprising a housing and a needle cannula mounted in the housing, the needle cannula having a sharp tip, wherein the housing defines a fluid chamber and an access port for fluid flow therethrough; and

a blunting component comprising a shuttle member and a tubular, non-perforated blunting probe mounted on the shuttle member, the blunting probe having a blunt tip and a rearward open end;

wherein the blunting probe is disposed within the needle cannula and wherein the needle component and the blunting component are configured for movement from a sharpened configuration to locking engagement in a blunted configuration; and

wherein the shuttle member is configured to extend outside the fluid chamber and to permit fluid flow from the open end of the blunting probe into the fluid chamber.

5. (amended) The needle assembly of any one of claims [1, 2, 3 or 4] 1 or 3 wherein the shuttle member defines a non-perforating cavity within which the blunting probe is mounted.

6. (twice amended) The needle assembly of any one of claims [1, 2, 3 or 4] 1 or 3 wherein the shuttle member is perforated to permit fluid flow from the rearward open end of the blunting probe therein to the fluid chamber.

7. (amended) The needle assembly of any one of claims [1, 2, 3 or 4] 1 or 3 wherein the shuttle member comprises an extension connected to the blunting probe in a manner which permits fluid flow from the end of the blunting probe to the fluid chamber.

11. (twice amended) A bluntable needle assembly comprising:

a needle component comprising a housing and a needle cannula mounted in the housing, the needle cannula having a sharp tip; and

a blunting component comprising a shuttle member and a tubular, non-perforated blunting probe mounted on the shuttle member, the shuttle member defining a fluid chamber and an access port for fluid flow, and the blunting probe having a blunt tip and a rearward end open to the fluid chamber;

wherein the blunting probe is disposed within the needle cannula and the needle component and the blunting component are configured for movement from a sharpened configuration to locking engagement in a blunted configuration with a detent and stay engagement between them, the detent being movable between (i) a locking position in which it may bear against the stay and prevent the needle assembly from moving to the sharpened configuration and (ii) an unlocked position which permits the needle assembly to move to the sharpened configuration.